

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THOMAS J. INGRASSIA,

Plaintiff,

VS.

KEITH SCHAFER, et al.,

Defendants.

Case No. 4:11CV02062 AGF

MEMORANDUM AND ORDER

This matter is before the Court on pro se Plaintiff's motion for the appointment of an expert medical witness. Plaintiff is proceeding in forma pauperis in this action for damages resulting from injuries allegedly caused by Defendants while he was incarcerated. Citing Federal Rule of Evidence 706, and stating that he does not have the financial means to pay for an expert witness, Plaintiff asks the Court to appoint a medical expert to testify on his behalf.

Rule 706 provides for the appointment of an expert witness with the costs of such appointment shared by the parties at the Court's discretion. Fed. R. Evid. 706(c)(2). Courts in this circuit addressing the payment of expert fees by the judiciary have uniformly held that the Court is not authorized to pay such fees. *See, e.g., Vogel v. Turner*, No. 11-0446 (PJS/JJG), 2013 WL 358874, at *10 (D. Minn. Jan. 8, 2013); *Reyna v. Weber*, No. 11-4044, 2012 WL 2999768, at *2 (D.S.D. June 29, 2012); *Holloway v. Lott*, No. 4:08-cv-00821-GTE, 2009 WL 2778665, at *1 (E.D. Ark. Aug. 28, 2009). The

plain language of 28 U.S.C. § 1915, which provides the framework for litigants proceeding in forma pauperis, does not provide for court authorization and payment of expert witnesses.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of a medical expert witness is **DENIED**. (Doc. No. 72.)



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of June, 2013.